

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

STRIKE 3 HOLDINGS, LLC,

Plaintiff,

-against-

JOHN DOE, *subscriber assigned IP address*
173.2.238.164,

Defendant.

23-CV-9576 (AS)

ORDER

ARUN SUBRAMANIAN, United States District Judge:

Plaintiff has filed a motion to pursue a Rule 45 subpoena in advance of the Rule 26(f) conference in this case, seeking only identifying information of the defendant from Optimum Online (defendant's ISP) and only for purposes of properly serving the defendant with the complaint. Plaintiff's motion is granted based on the authorities cited in support of the motion, Dkt. 8, which establish good cause for pursuing this subpoena. However, this is without prejudice to Optimum Online raising any objections that it may have to the subpoena. Further, Strike 3 should advise Optimum Online that in advance of responding to the subpoena with the information requested, Optimum Online should send the defendant a notice and copy of the subpoena. *See Fed. R. Civ. P. 45(a)(4).* Strike 3 is further advised to follow the Court's Individual Practices, including its letter-motion requirement for discovery motions, in the future. The Clerk is directed to terminate Dkt. 7.

SO ORDERED.

Dated: December 5, 2023

New York, New York



ARUN SUBRAMANIAN
United States District Judge